

REMARKS/ARGUMENTS

Applicant is submitting herewith an amended sheet of drawings with corrected reference numerals to FIG. 1. The sheet is marked "Replacement Sheet". Also attached is an "Annotated Sheet Showing Changes".

Applicant has amended claim 1 to indicate that the auger portion is fixed to the shaft portion and that the second portion has a tip portion having means to mate with a electric power driver.

Claim 4 has been amended to indicate that it is claiming a combination of the ground rod with a handle to permit manual insertion and removal of the ground rod.

Claim 5 has been amended to indicate that the first end is in the ground, which would leave the auger portion in the ground, and the second end is attached to the electrical system of a building.

Finally, new claim 10 has been added, dependent upon claim 7, which simply specifies the manner in which the handle can be attached to the ground rod.

Applicant would request reconsideration in light of these amendments. The claims were all rejected under 35 U.S.C. § 102 in light of the Bruser et al., US 4,688,969 ("Bruser") reference. The Bruser reference discloses the use of a Kelly bar with a modified anchor device to insert a ground rod. Attached is a sheet that discloses how one would typically insert an anchor device using the Kelly bar. The device has a rectangular shaft that drives in an auger. A rod is attached to the inserted auger and then the rectangular shaft is separated from the auger by reversing direction. The Bruser reference modifies

the auger by providing a hollow central shaft. The ground rod extends through the hollow shaft of the auger. It is then bolted to the rectangular drive shaft and, in effect, is pushed in by the auger and shaft.

It does not have an auger permanently fixed to one end of the shaft. It simply is inserted through the auger. It does not disclose means to attach the opposite end to the drive of an electric drill. It is simply bolted to the drive shaft of the Kelly bar adaptor.

The Bruser reference also mentions a prior art device wherein an auger head is permanently fixed to a ground rod. However, in this embodiment, the rectangular drive shaft is threaded onto the auger. The shaft is then rotated causing the auger with the ground rod to move into the ground. Once inserted, the rotation of the drive shaft is reversed, allowing the shaft to unscrew from the auger head leaving the auger and the ground rod in position.

Applicant's claimed invention is distinguished from the disclosure in the Bruser reference in a number of ways. With respect to the primary disclosure in the Bruser reference where the ground rod is not attached to the auger, of course, the distinction is that the ground rod does not include an auger fixed to the shaft portion. Nor in that embodiment does it have a tip portion having means to mate with an electric drill, specifically a faceted end or an indented end as claimed in claims 2 and 3.

The differences are significant. In this embodiment disclosed by Bruser, the ground rod is actually being pushed into the ground in a manner very similar to driving any other ground rod. The auger does not pull the rod into the ground. Further, it does not

leave the auger still attached to the ground rod in the ground. Most importantly, it cannot be used with a hand drill. It requires the hydraulic Kelly bar driver. Thus, it has no application for use in most building applications.

With the prior art embodiment discussed in the Bruser reference, specifically at column 1, line 40 ff, the device requires the use of this Kelly bar adaptor in order to insert the device into the ground. Again, such a device would be totally unsuitable for any electric drill. It requires that the actual drive shaft be attached to the auger as opposed to the ground rod. This is only suitable when one uses a Kelly bar to drive the shaft into the ground, which is, of course, a hydraulically operated device attached to the rear of a truck. It would be totally unsuitable for use by a typical electrician with a powered hand tool to drive the ground rod for use in residential housing. Thus, the present invention distinguishes over both embodiments disclosed in Bruser. The primary disclosure in Bruser does not attach the auger to the shaft and rather simply uses the Kelly bar adaptor with the auger to push the rod into the ground. With the secondary or prior art disclosed in the Bruser reference, the Kelly bar shaft is attached to the auger itself and, again, this cannot be used as applicant's invention can be used.

Obviously, modification of the reference to arrive at applicant's invention would totally destroy the claimed features of the Bruser reference and, therefore, would not be obvious to one of ordinary skill in the art. Such modification would not be suggested by the Bruser reference. This is further supported by the fact that the improvement over the prior art that the inventor was making in the Bruser reference. Whereas the prior art

had the ground rod attached to the auger head, Bruser taught away from this, separating the auger head from the shaft of the ground rod. This all indicates that the prior art cited in this case teaches away from applicant's invention. It is going in a direction that requires a hydraulically driven Kelly bar to insert a ground rod. It is for this reason that applicant maintains that any modification of the Bruser reference to arrive at applicant's invention would be unobvious to one of ordinary skill in the art.

In light of the above, applicant would respectfully request reconsideration of the outstanding rejection, and allowance of the pending claims.

Respectfully submitted,

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Annotated Sheet Showing Changes

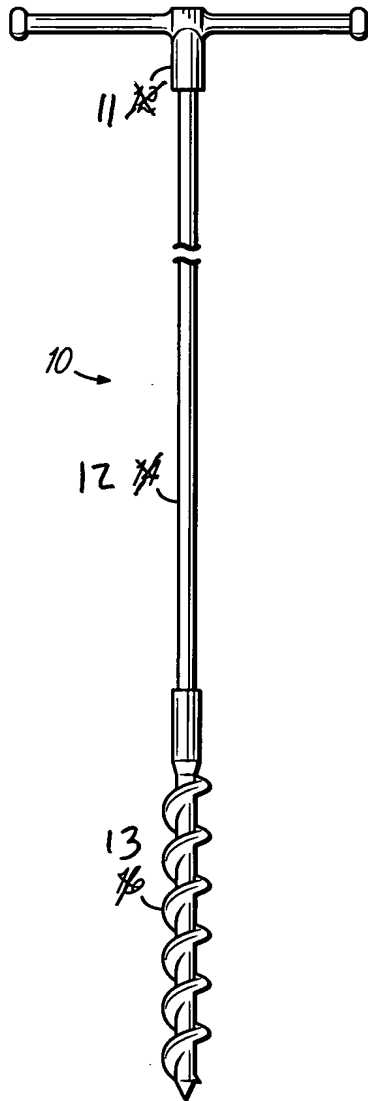


FIG. 1
PRIOR ART

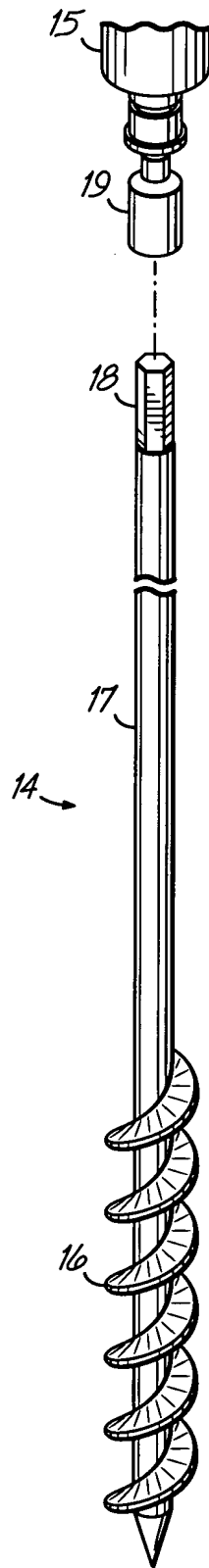


FIG. 2

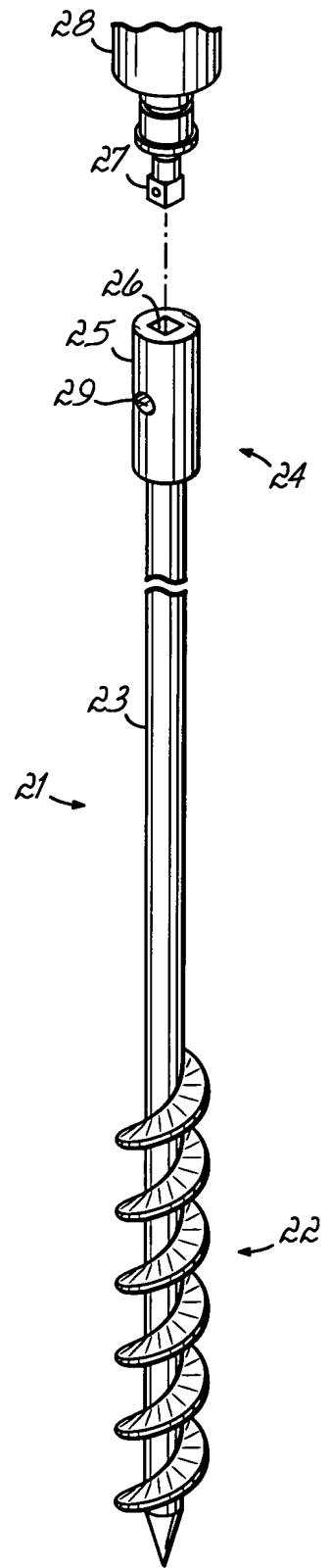


FIG. 3